



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY  
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**“Drug and Veterans Treatment  
Courts: Seeking Cost-Effective  
Solutions for Protecting Public Safety  
and Reducing Recidivism”**

Senate Committee on the Judiciary  
Subcommittee on Crime and Terrorism

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Written Statement  
of  
Benjamin B. Tucker  
Deputy Director for the Office of State, Local, and Tribal Affairs  
Office of National Drug Control Policy

**U.S. Senate Judiciary Committee**  
**Subcommittee on Crime and Terrorism**  
**“Drug and Veterans Treatment Courts: Seeking Cost-Effective Solutions for Protecting**  
**Public Safety and Reducing Recidivism”**  
**Statement of Benjamin B. Tucker**  
**Deputy Director for State, Local and Tribal Affairs, Office of National Drug Control Policy**  
**Executive Office of the President**  
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Chairman Whitehouse, Ranking Member Kyl, and distinguished members of the Subcommittee, thank you for this opportunity to address the importance of drug courts. As you know, the Office of National Drug Control Policy (ONDCP) was established by Congress with the principal purpose of reducing illicit drug use, manufacturing, and trafficking; drug-related crime and violence; and drug-related health consequences. As a component of the Executive Office of the President, our office establishes policies, priorities, and objectives for the Nation’s drug control program. We also evaluate, coordinate, and oversee the international and domestic anti-drug efforts of Federal agencies and ensure such efforts sustain and complement state and local anti-drug activities.

As ONDCP’s Deputy Director for State, Local, and Tribal Affairs, it is my job to work closely with our partners on prevention and law enforcement initiatives through the Drug Free Communities program, the High Intensity Drug Trafficking Area (HIDTA) program, and the National Youth Anti-Drug Media Campaign.

The Obama Administration’s inaugural *National Drug Control Strategy (Strategy)*, released in May 2010, was a significant shift in the way the Federal Government approaches drug control issues. The Administration recognizes that an enforcement-centric “War on Drugs” approach cannot adequately address the public health and public safety aspects of the drug control issue, and that a comprehensive and balanced approach is needed. Prevention, treatment, recovery, innovative criminal justice strategies, and law enforcement are all a part of the comprehensive strategy to reduce drug use, provide help to those who need it, ensure public health and safety, and afford those struggling with substance abuse and addiction the opportunity to be productive members of our country.

The *Strategy* establishes specific goals by which we measure our success. We have worked, and are continuing to work, with dozens of Federal agencies, Members of Congress, state and local organizations, and the American people to make significant reductions in illicit drug use and its consequences. Our efforts are balanced and incorporate new research and smarter strategies to better align policy with the realities of drug use in communities throughout this country. In 2009, over 23 million Americans ages 12 or older needed treatment for an illicit drug or alcohol use problem. However, about 11 percent received the necessary treatment for their disorders.<sup>1</sup>

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<sup>1</sup> US Department of Health and Human Services, SAMSHA, 2009 National Survey on Drug Use and Health. Available: <http://oas.samhsa.gov/nsduhLatest.htm>

Just last week, we released the Administration's 2011 *Strategy*, which builds upon the 2010 *Strategy's* foundation. The 2011 *Strategy* addresses issues of concern to specific populations, including active duty service members, veterans and military families, college students, women and children, and those in the criminal justice system. The Administration's *Strategy* continues to expand upon a balanced approach to drug control issues that emphasizes community-based drug prevention, integration of drug treatment into the mainstream health care system, innovations in the criminal justice system to break the cycle of drug use and crime, and international partnerships to disrupt transnational drug trafficking organizations.

Today, I am here to discuss one of the Administration's key criminal justice policy objectives as set out in the *Strategy*: to stop the revolving door of arrest, incarceration, release, and re-arrest through effective interventions and alternatives to incarceration. The *Strategy* clearly outlines the Administration's commitment to breaking the cycle of drug use and crime. Due to the desire to reduce recidivism, the high cost of incarceration, and budgetary constraints at all levels of government, it is important we take this opportunity to emphasize the importance of proven alternatives to incarceration, such as drug courts, to address drug use and its consequences.

Among state prisoners who were dependent on or abusing drugs, 53 percent had at least three prior sentences to probation or incarceration, compared to 32 percent of other inmates. Additionally, drug dependent or abusing state prisoners (48 percent) were also more likely than other inmates (37 percent) to have been on probation or parole supervision at the time of their arrest.<sup>2</sup> The goal of drug courts is to help participants recover from addiction and prevent future criminal activity, while also reducing the burden and costs of repeatedly processing drug-involved offenders through the Nation's courts, jails, and prisons. Drug court participants are provided intensive treatment and other services for a minimum of one year. There are frequent court appearances and random drug testing, with sanctions and incentives to encourage compliance and completion. Successful completion of the treatment program results in dismissal of the charges, reduced or set-aside sentences, lesser penalties, or a combination of these options. Most important, graduating participants gain the necessary tools to rebuild their lives.

Because the problem of drugs and crime is much too broad for any single agency or system to tackle alone, drug courts rely upon the daily communication and cooperation of judges, court personnel, probation, treatment providers, and other social services providers from throughout the community. Drug courts are an innovative mechanism for promoting collaboration and generating support among many sectors of the community, with the overarching goal of improving public health and public safety.

Drug courts have existed for more than 20 years, and their effectiveness in reducing recidivism and lowering criminal justice costs is well documented. In a recent Department of Justice study, drug court participants reported 25 percent less criminal activity and had 16 percent fewer arrests than comparable offenders not enrolled in drug courts. In addition, 26 percent fewer drug court participants reported drug use and were 37 percent less likely to test

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<sup>2</sup> Bureau of Justice Statistics. *Drug Use and Dependence, State and Federal Prisoners, 2004*. U.S. Department of Justice. [revised 2007]. Available: <http://bjs.ojp.usdoj.gov/content/pub/pdf/dudsf04.pdf>

positive for illicit substances.<sup>3</sup> A review of five independent meta-analyses indicates that drug courts significantly reduce crime by an average of eight to 26 percentage points. Well-administered drug courts were found to reduce crime rates by as much as 35 percent, compared to traditional case dispositions.<sup>4</sup> Researchers also concluded drug courts reduce drug abuse and improve employment for their participants.<sup>5</sup>

In times of serious budget cuts, the drug court model offers state and local governments a cost-effective way to increase the percentage of addicted offenders who achieve sustained recovery, thereby improving public safety and reducing costs associated with re-arrest and additional incarceration. The National Institute of Justice's (NIJ) Multisite Adult Drug Court Evaluation found that, compared to traditional case processing and supervision, drug courts have higher investment costs especially in treatment services (due to increased access and retention). However, savings associated with victim and criminal justice system costs may not be as great due to fewer crimes, rearrests, and incarceration. Drug courts saved an average of \$5,680 per participant, returning a net benefit of \$2 for every \$1 of cost. In an NIJ-funded study of the Multnomah County, Oregon drug court that tracked 10 years of cohorts (1991-2001), NPC Research found that rearrests were lower five years or more later compared to re-arrests for similar drug offenders within the same county. Comparing drug court to traditional case processing, there was an estimated savings of \$1392 for costs associated with the instant case, and savings of \$6744 for costs associated with outcomes, for a combined savings of \$8136 on average.<sup>6</sup> These numbers show that drug courts are a wise investment, particularly for the many states and localities seeking cost savings in the criminal justice system. Using data from the National Survey on Drug Use and Health, the Arrestee Drug Abuse Monitoring Program, and Drug Abuse Treatment Outcome Study, the Urban Institute developed estimates to compute expected crime-reduction benefits of treating clients with particular profiles. They propose that removing existing eligibility restrictions for substance abuse treatment would continue to produce public-safety benefits that exceed associated costs. For example, access to treatment for the estimated 1.47 million at risk arrestees would produce more than \$46 billion in benefits at a cost of \$13.7 billion.

Drug courts are also an effective mechanism for addressing substance-dependent offenders who risk failing in less-intensive rehabilitation programs, or are deemed higher-risk, higher-need offenders. In an effort to further expand this practice, the National Association of Drug Court Professionals (NADCP) recommends that drug courts especially target high risk, prison-bound offenders. Additionally, this organization recommends that offenders receive risk-needs assessments that are considered in sentencing decisions to ensure the right type of offender is sentenced to the right disposition/services, to include drug courts. The Administration's *Strategy* supports these efforts as an important step in providing the intensive, proven interventions of drug courts to the high-risk populations.

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<sup>3</sup> National Institute of Justice. *NIJ's Multisite Adult Drug Court Evaluation*. U.S. Department of Justice. [2011]. Available: <http://www.nij.gov/nij/topics/courts/drug-courts/madce.htm>

<sup>4</sup> Marlowe, DB. Recent Studies of Drug Courts and DWI Courts: Crime Reduction and Cost Savings. National Association of Drug Court Professionals. Available: [http://www.isc.idaho.gov/dcourt/DC\\_Research\\_Update408.pdf](http://www.isc.idaho.gov/dcourt/DC_Research_Update408.pdf)

<sup>5</sup> Marlowe, D. B., DeMatteo, D. S., and Festinger, D. S. "A sober assessment of drug courts." *Federal Sentencing Reporter*, 16, 153-157. (2003).

<sup>6</sup> Finnegan, M.; Carey, S.; Cox, A. "Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs." NPC Research. Available: <https://www.ncjrs.gov/pdffiles1/nij/grants/219225.pdf>

There are over 2,500 drug courts in operation today in the United States. Approximately 120,000 Americans receive the help they need to break the cycle of addiction and crime every year in drug courts. In fact, the drug court movement continues to grow. Since 1989, drug courts have been established or are being established in all 50 States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, Guam, and in nearly 90 tribal locations. With the rapid expansion of drug courts throughout the country, it is critical to ensure that current best practices for drug court implementation and operations are effectively disseminated to the field. We must also ensure that the courts currently in operation, along with those in the planning and implementation phases, operate in accordance with long-standing, proven standards. These standards and practices are designed for drug courts to address the appropriate client population and achieve the best outcomes. The Administration continues to support training and technical assistance for drug courts nationwide.

The success of drug courts has led to development of Family Drug Courts, Juvenile Drug Courts, Tribal Wellness Courts, and other treatment courts. One of these models, Veterans Treatment Courts, has shown great promise as a means to more effectively meet the needs of veterans in the criminal justice system.

As Americans, we must keep in mind the enduring debt we owe our country's active duty military and veterans. While news accounts remind us daily of the dangers our military men and women confront in combat, there are serious challenges facing our veterans when they return home, particularly substance use and psychological health problems. Sadly, these challenges can sometimes lead to criminal or other destructive behaviors. The Justice Department's most recent survey of prison inmates found that in 2004 an estimated 60 percent of the 140,000 veterans in Federal and state prisons were struggling with a substance use disorder, while approximately 25 percent reported being under the influence of drugs at the time of their offense.<sup>7</sup> Veterans Treatment Courts are designed to meet the particular needs of veterans involved in the criminal justice system.

Like drug courts, Veterans Treatment Courts combine rigorous treatment and personal accountability, with the goal of breaking the cycle of drug use and criminal behavior. However, in addition to the traditional partners in a drug court, they incorporate the unique capabilities and services of the Department of Veterans Affairs healthcare networks, the Veterans Benefits Administration, state departments of veterans affairs, volunteer veteran mentors, and veterans family support organizations. Veterans Treatment Courts work with these veteran-oriented agencies and organizations to connect court participants to the treatment, benefits, and support services which they need and for which they are eligible as veterans, including substance abuse treatment, medical and disability benefits, home loans, and other services intended to help their reentry to the community.

In an effort to replicate the success of the first Veterans Treatment Court, the Administration launched an initiative to assist communities seeking to establish Veterans Treatment Courts. The 2010 Veterans Treatment Court Planning Initiative (VTCPI) constitutes

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<sup>7</sup> Office of Justice Programs/Bureau of Justice Statistics. *Veterans in State and Federal Prison, 2004*. U.S. Department of Justice. [May 2007]. Available: <http://bjs.ojp.usdoj.gov/content/pub/pdf/vsfp04.pdf>

the first Veterans Treatment Court training program in the Nation. The VTCPI curriculum is a collaborative effort of the Bureau of Justice Assistance (BJA), the Department of Veterans Affairs, the National Drug Court Institute (NDCI), and numerous Veterans Treatment Court professionals. Eleven court teams were trained at the inaugural event in September 2010, and an additional ten teams were trained this past February.

There are now over 75 operational Veterans Treatment Courts nationwide. As these courts mature and training continues, we look forward to gathering additional outcome data surrounding their work with justice-involved veterans. Veterans Treatment Courts are showing significant promise in successfully promoting sobriety, recovery, and stability for our Nation's veterans.

Drug courts have over a 20-year track record of successfully restoring lives of participants across the country. They continue to adapt and improve their models of operation, finding new ways to address critical segments of the drug-involved offender population. The Administration strongly supports drug courts and views them as an important model for other promising alternative approaches to incarceration being employed across the country.

When these court-based strategies are implemented effectively, the criminal and juvenile justice systems can deter drug use, reduce drug availability, steer users toward getting the help they need, and, as a result, help make our neighborhoods safer. By supporting these efforts, the Administration is a full partner with state, local, and tribal governments to reduce drug use and crime, improve the lives of individuals, and stabilize communities through the effective and innovative use of resources. As reflected in the Administration's *National Drug Control Strategy*, combining effective and fair criminal justice system interventions with prevention and treatment efforts will enable us to be successful in addressing drug use and its consequences.

I look forward to working with the Committee to address these challenging and important issues. Thank you very much for the opportunity to testify and for the Committee's support of drug courts.